

From: Delbert Franz
To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed settlement with Microsoft has various weaknesses that if not corrected in some way will render the settlement ineffective in providing a remedy to the past business practices and in the opinion of many, the current business practices of Microsoft. Previous settlements with Microsoft have proved ineffective and it would be unfortunate if this one suffers the same fate.

My comments are restricted to the effect that the proposed settlement appears to have on the rapidly growing segment of computer software known as Open Source. One of the more credible alternatives to a Microsoft operating system is GNU Linux or just Linux for short. This software has been developed by a network of individuals donating their time and expertise over a period of years. Section III of the proposed settlement does not provide any protection for non-profit groups. The lack of such protection then allows Microsoft to move ahead without fear of restraint to undermine if not destroy its most credible source of competition. Linux excels in its ability to interoperate with other operating systems. This has been accomplished by the dint of hard labor deciphering various data and communication formats, with no help from Microsoft. If the settlement goes through as is, it is highly likely that Microsoft will move to change some aspects of the data formats needed for Linux's interoperation with Microsoft software with a concomitant move to enjoin any further interoperation on the grounds that the settlement does not offer protection to non-profit entities.

Clearly the protection offered to for-profit groups by this settlement should be extended to non-profit groups. If it is not, Microsoft will be enabled to severely hamper or even quash the Open Source movement in its effort to create an alternative to Microsoft software. Any business that wishes to use Open Source software must be able to interoperate with Microsoft software in order to survive, solely because of the effective monopoly position that Microsoft currently holds, and clearly wishes to maintain. Destroying or hampering interoperation with Linux and its related software would be the most effective way for Microsoft to disable this competition.

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